

## Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 INT-08 EB-11 COME-00 SCI-06 TRSE-00

CIAE-00 INR-10 NSAE-00 RSC-01 RSR-01 /063 W

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R 111544 Z APR 73

FM AMEMBASSY WARSAW

TO SECSTATE WASHDC 3433

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E. O. 11652: N/ A

TAGS: PFOR PL

SUBJECT: KACZMAREK/ MITGERA VISIT

REF: STATE 064719

1. PROVIDED SCHEDULES OF KACZMAREK, MITREGA AND SPASOWSKI WOULD PERMIT IT, WE BELIEVE GOP SUGGESTION TO COMBINE WASHINGTON PORTION OF THEIR VISITS TO US IS WORTHWHILE. THEY WILL, OF COURSE, HAVE SEPARATE INTERESTS TO PURSUE EVEN IN WASHINGTON, WHICH WILL NECESSITATE INDIVIDUAL APPOINTMENT SCHEDULES ( E. G., REVIEW WITH KACZMAREK UNDER S& T AGREEMENT, MEETINGS FOR MITREGA WITH INTERIOR INCLUDING BUREAU OF MINES). HOWEVER, OTHER CALLS ON USG OFFICIALS COULD BE COMBINED WHERE APPROPRIATE, AS WELL AS GENERAL PLANNING AND PERHAPS ALSO SOCIAL FUNCTIONS.

2. TIMING OF KACZMAREK' S VISIT IS NOW FIRM ( WARSAW 1427), AND IN RESPONDING TO TRAMPCZNYSKI' S PROPOSAL WE SHOULD NOT IN ANY WAY BE THE ONES TO SUGGEST THAT HIS SCHEDULE BE REARRANGED TO FIT MIGREGA' S. ON OTHER HAND, SINCE IDEA OF COMBINING VISITS ORIGINATES FROM GOP, KACZMAREK SHOULD NOT BE ABLE TO FIND FAULT WITH US FOR THIS POSSIBLY BEING UPSTAGED BY MITREGA' S PRESENCE IN WASHINGTON, SHOULD HE IN FACT FEEL THAT MIGHT BE THE CASE.

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3. JUDGING FROM LACK OF RESPONSE FROM MITREGA THUS FAR TO SECRETARY MORTON' S INVITATION ( STATE 053789), WHICH EMBASSY DELIVERED MARCH 27, AS WELL AS FROM RECENT COMMENT FROM MINING MINISTRY OFFICIAL, IT MAY NOT PROVE POSSIBLE FOR MITREGA TO MAKE HIS TRIP AS SOON AS MAY 7. ALTHOUGH WUED THAT US BELIEVED COUNTRIES SHOULD AWAIT CONFERENCE ON LAW OF SEA RATHER THAN ESTABLISH PRECEDENTS BY UNILATERAL DECISIONS. COUNTRIES SHOULD NOT AUTOMATICALLY ASSUME THAT LOS CONFERENCE WILL FAIL.

3. BENHIMA REPLIED THAT POSITION OF MOROCCO ON PASSAGE THROUGH STRAITS WAS NOT YET FIRM, CONTRARY TO THAT CONCERNING 12- MILE TERRITORIAL SEA AND 70- MILE EXCLUSIVE FISHING ZONE. LANGUAGE OF DAHIR REFERRING TO STRAITS OF GIBRALTAR HAD NO LEGISLATIVE AUTHORITY. THERE WAS NOTHING TO PREVENT MOROCCO FROM MAKING BILATERAL ARRANGEMENTS WITH FREINDLY NATIONS CONCERNING PASSAGE THROUGH GIBRALTAR. IT WAS IN MOROCCO' S INTEREST THAT MEDITERRANEAN BE A FRE-QUESTED SEA, AND IT WOULD NOT BE FREQUENTED IF ACCESS TO IT WERE RESTRICTED.

4. WITH REGARD TO LAW OF SEA IN GENERAL, BENHIMA SAID EIGHTY- FIVE COUNTRIES SAW NO REASON WHY THEY SHOULD ACCEPT VIEWS OF TWENTY- THREE COUNTRIES WHICH HAD DRAWN UP PRESENT LAW OF SEA DOCTRINE AND WHICH SO STRONGLY RESISTED CHANGES THEREIN. NEWLY ESTABLISHED COUNTRIES HAD THEIR OWN INTERESTS WHICH DID NOT NECESSARILY COINCIDE WITH THOSE OF LONG- ESTABLISHED POWERS. IN HIS VIEWS, FAILURE OF LOS CONFERENCES SO FAR DUE TO REFUSAL OF ESTABLISHED POWERS TO AGREE TO MODIFICATION OF EXISTING MARITIME LAW. ATTITUDE OF MOROCCO TOWARD DOCTRINE OF INNOCENT PASSAGE REFLECTED THIS UNWILLINGNESS ON THE PART OF MOST NATIONS TO ACCEPT DOCTRINES ABOUT WHICH ESTABLISHED MARITIME POWERS HAD SHOWN SO MUCH RIGIDITY.  
ROCKWELL

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\*\*\* Current Handling Restrictions \*\*\* n/a

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